THE INUIT LAND CLAIM, CONSTITUTIONAL DEVELOPMENT, AND LOCAL GOVERNMENT REFORM IN THE NORTHWEST TERRITORIES: AN OVERVIEW

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SUMMARY

This paper is an examination, in preliminary form, of recent developments with respect to the Inuit Tapirisat of Canada (ITC) land claim, and constitutional development and local government reform in the Northwest Territories. Its purpose is to provide a common base of information for discussion and for subsequent analysis.

The ITC Land Claim

In 1973 the federal government indicated its willingness to negotiate land claims with native groups. It suggested that native people would be compensated for loss of traditional use and occupancy by a combination of cash, hunting, fishing and trapping privileges, resource revenue sharing, participation in local and regional government, economic opportunities, and fee simple ownership of certain lands.

The ITC submitted a claim proposal, entitled Nunavut, to the federal government in February 1976. Although not the first native claim submitted, it was the first to propose establishment of a territory which would function within the federal structure. The proposed territory consists of all of the Northwest Territories north and east of the tree line, and in due course is to become a province.

A revised proposal was submitted in July 1977, and negotiations began in 1978. Little progress was made, and further ITC submissions were presented in 1979 and 1980.

Negotiations resumed late in 1980, with the federal government responding to ITC initiatives rather than presenting its own position. Little progress has been made to date, partly because of the federal government's refusal to negotiate matters of political development, which the ITC feels are an integral part of the claim. These include both the establishment of a separate territory and the structure and responsiblities of local governments within the claim area.

Constitutional Development

The two major sources of recent political change in the Northwest Territories are the Drury Report, published in 1980, and the election of the Ninth Legislative Assembly in 1979. Although there has been no official response to Drury's report, his recommendations of gradual evolution toward provincial status and an increased role for local and regional governments in the territory reflect the present trends.

The Ninth Legislative Assembly, and its Executive Committee, gave significantly more representation to native northerners. Contrary to the recommendations of both Drury and the Eighth Assembly, the Ninth Assembly supported the concept of a division of the territory, and proposed a public referendum on the subject. Its recommendation however did not refer specifically to the division proposed by the ITC.

Although the federal government controls resources in the territories, the Ninth Assembly has become actively involved in resource issues such as uranium development and the Norman Wells pipeline.

Local Government

Three major initiatives have been undertaken by the Government of the Northwest Territories (GNWT) in recent years with respect to local government:

i the devolution of responsiblities to local governments;
ii the passage of the Baffin Regional Council Ordinance;
iii the preparation of a new Community Government Ordinance.

In general, local and regional governments are being encouraged to assume responsibility and authority for government programs and services, and to administer them according to local wishes.

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1. INTRODUCTION

Five years have passed since the Inuit Tapirisat of Canada (ITC) presented its original land claim to the government of Canada. In the intervening years a number of significant developments have occurred pertaining not only to the ITC claim itself but also to constitutional development in the Northwest Territories (NWT) generally, and particularly to the evolution of local government.

The purpose of this paper is to examine recent developments with respect to the ITC land claim, broad questions of constitutional development in the Northwest Territories, and issues related to local government. The paper is largely descriptive and is intended to provide readers with a basic understanding of these developments. The paper includes preliminary observations concerning the possible implications of these recent developments, and their interrelationships.

Sources of information include interviews and public documents. This paper was presented in draft form to the Eastern Arctic Study Advisory Committee at its meeting in March 1981. It has been revised in light of additional information and comments received at that meeting.

2. APPROACH

The major purpose of this paper is to provide a common base of information which will assist in an understanding of subsequent analysis and commentary to be presented in future publications of the Eastern Arctic Study. Three subjects are addressed in separate descriptive chapters. Chapter 3 describes the evolution of the land claim of the Inuit Tapirisat of Canada, excluding those portions of the claim which deal specifically with matters related to local government. Chapter 4 deals with the broad topic of constitutional development in the Northwest Territories, and focuses on the work of the Hon. C.M. Drury as the Prime Minister's Special Representative for Constitutional Development in the Northwest Territories, and on the nature and evolution of the Ninth Assembly of the Northwest Territories. Chapter 5 brings together proposals and recent developments with respect to the structure of local government in the Northwest Territories, particularly those affecting local governments in the ITC claim area. This chapter consists of a summary description of the current system of local government in the Northwest Territories, proposals regarding local government put forward by the ITC, and initiatives undertaken by the government of the Northwest Territories in the aftermath of Mr. Drury's study.

Although broad in scope, this paper has two notable limitations.

i The important question of industrial development in the NWT, which admittedly is a central part of considerations about the future, is not dealt with in this paper except where absolute necessary. Industrial development in the Territories generally and specifically in the ITC claim area is dealt with in a separate paper, Industrial Development in the Eastern Arctic Study Area by C. George Miller.

ii In contrast to the particular attention given in Chapter 4 to recent initiatives of the GNWT, the role of the federal government is not dealt with separately. However, since the federal role in land claims negotiations and in political/constitutional development in the NWT is both pervasive and dominant, references are made throughout the paper to the federal government and its activities.

3. THE ITC LAND CLAIM

Background

Negotiation of native land claims is a relatively recent phenomenon in Canada. In 1963 and again in 1965 unsuccessful attempts were made to pass legislation in the Canadian Parliament establishing a commission to deal with land claims. In 1969 the federal government undertook a review of its responsibilities for Indian matters and as a result proposed new directives for Indian policy. As a result of this review, Indian rights and grievances emerged as a central issue of concern to the Indian people. The White Paper produced as a result of this review also reflected a new interest on the part of the federal government in the outstanding native claims. In December 1969 Dr. Lloyd Barber was appointed Indian Claims Commissioner to receive and study Indian grievances and claims, and to recommend measures to be taken by government to resolve them. In 1970 the federal government began to fund native groups and associations to enable them to conduct research into Indian treaties and rights. In February 1973 the Department of Indian and Northern Affairs was given the responsibility of funding Indian research in rights and treaties and for negotiating the settlement of claims.

On August 8, 1973, Jean Chretien, the Minister of Indian Affairs and Northern Development, announced a new government policy with respect to claims of Indians and Inuit people. This policy remains as the basis of the federal position with respect to claims today. The federal government clearly indicated its willingness to negotiate with native groups and suggested that, in exchange for native interest arising out of traditional use and occupancy of land, native peoples would be compensated by a combination of cash, hunting, fishing and trapping privileges, resource revenue sharing, participation opportunities in local and regional government, economic opportunities and fee simple ownership of certain lands.

In July 1974 the Office of Native Claims Negotiation (now the Office of Native Claims) was established in the Department of Indian and Northern Affairs. In brief, the mandate of the Office of Native Claims continues to be one of receiving on behalf of the Minister and the federal government the claims from native groups, and of entering into discussions and negotiations with them concerning their claims. The Office of Native Claims receives both specific claims and comprehensive claims from native groups. Specific claims arise from present obligations, treaty rights, and so on. Comprehensive claims refer to

those claims that are made by native people on the basis of the loss of native interest in those areas of Canada where such interest had not been previously extinguished by treaty or superceded by law. The claim of the Inuit Tapirisat of Canada (ITC) is a comprehensive claim.

The major claim negotiated and concluded during this period involved the Cree and Inuit of James Bay and northern Quebec. This agreement was concluded under substantial pressure from development interests and from the federal government and the Government of Quebec. The final agreement, signed in November of 1975, provided for:

- $225,000,000, payable over ten years, to be administered by native corporations;
- lands for exclusive native use and occupancy;
- hunting, fishing and trapping rights;
- creation of local and regional structures in recognition of the native majority;
- environmental protection;
- special economic and social development measures;
- native control over education.

A separate northeastern Quebec agreement was subsequently signed with the Naskapis band of Indians of Shefferville, Quebec. Although the federal government was quick to reject the James Bay agreement as a model for future settlements, other parties interested in land claims negotiations interpreted and examined the James Bay agreement as an example, both positive and negative, of what was to come. The second major claim negotiated to an advanced stage during the 1970s but not yet concluded was that of the Committee for Original Peoples Entitlement (COPE). An Agreement-in-Principle was signed between the federal government and COPE in 1978 and negotiations to finalize an agreement continue to this day.

It was against the background of the 1973 federal policy that native organizations of the Northwest Territories (the Inuit Tapirisat of Canada, the Committee for Original Peoples Entitlement, the Dene and the Metis Association of the NWT) have developed their comprehensive land claims proposals. The broad outlines of the native land claims settlement policy enunciated by the federal government in 1973 was further supplemented by federal government policy statements on political development in the NWT, which indicated that structures and functions of government were not negotiable as part of any land claim settlement. For example, this position was made explicit in the announced terms of reference for the study undertaken by C.M. Drury.

Chronology of the ITC Claim

Before proceeding to a discussion of the structure and nature of current negotiations between the ITC and the federal government, and to a general discussion of the ITC claim, a brief chronology of the ITC claim is presented below.

February 1976: The ITC presented its comprehensive claim proposal to the federal government on behalf of all Inuit in the NWT in a document entitled Nunavut.[1] The ITC claim was distinguished from all other native claims in that it proposed the establishment of Nunavut, a new territory north of the tree-line, within which an Inuit majority would determine the structure and processes of government.[2] This separate territory would eventually receive provincial status. In this document the ITC sought:
- surface-title to at least 250,000 square miles in the NWT;
- the establishment of community and regional corporations;
- the establishment of a Nunavut Council on Game;
- the establishment of an Inuit Development Corporation;
- royalties from resource development;
- special social and economic programs;
- the establishment of a land-use and planning commission.

September 1976: The Nunavut proposal was withdrawn by the ITC, which wished to make substantial changes and to consult further with the communities in the central and eastern Arctic.

July 1977: The ITC made public a new claim proposal,[3] in order to seek public reaction before making a formal presentation of the proposal to the federal government in the fall.

December 1977: The above mentioned proposal was presented to the federal government on behalf of the Inuit of the central and eastern Arctic, in the form of an Agreement-in-Principle. This proposal called for:
- Inuit political self-determination;

1. Inuit Tapirisat of Canada, Nunavut: A Proposal for the Settlement of Inuit Lands in the Northwest Territories, February 1976.
2. An earlier proposal to divide the Northwest Territories was made in the early 1960s when a bill was presented to Parliament to that effect. This bill died on the order paper.
3. Inuit Tapirisat of Canada, Proposed Agreement-in-Principle for the Establishment of Inuit Rights Between the Inuit and the Government of Canada, July 1977.

- the formation of a Nunavut government within Confederation based on Inuit political institutions;
- Inuit ownership of traditional Inuit lands and waters including the subsurface;
- preservation of traditional Inuit hunting, fishing and trapping rights;
- the right to determine eligibility for benefits resulting from a settlement;
- preservation of Inuit language and culture;
- compensation by the federal government for third party interests adversely affected by a settlement;
- amendment of the BNA Act to "provide for the constitutional recognition and continued assurance of the right of the Inuit to exist as an independent culture within Canada".

May 1978: Formal negotiations began between the ITC and the federal government. Discussions continued with a view to reaching an agreement in principle by the end of 1979.

May 1978 to February 1979: During this period five negotiating meetings were held between the ITC Land Claims Commission (the body within the ITC responsible for negotiations at the time) and the federal government, with the major stumbling block being the federal government's insistence that political issues must be discussed and settled outside the claims process.

February 1979: Negotiations between the federal government and the ITC were suspended. The ITC Board of Directors abolished its Land Claims Commission and appointed new negotiators.

March 1979 to December 1979: The spring election of 1979 precluded resumption of negotiations. Negotiations were formally suspended following the Conservative election pending re-assessment of federal land claims policy. A discussion paper on the issue was to go to Cabinet for consideration but this did not occur before the government fell in December 1979.

September 1979: Following its annual general meeting at Igloolik, the ITC presented a new position paper to the federal government.[4] This document outlines the need for Nunavut and the institutional and political structures essential to its creation. It focuses on a fifteen-year timetable for political development of Nunavut culminating in the granting of provincial status. This document emphasized that the creation of Nunavut and the

4. Inuit Tapirisat of Canada, Political Development in Nunavut, September 1979.

settlement of land claims are simply two different aspects of a single process. Any agreement on topics not directly related to political structures, such as land entitlement, is conditional on the satisfactory resolution of political topics. Productive discussion of political change in the existing NWT is considered necessary for the successful outcome of any land claims negotiations. The document also emphasizes the importance of local and regional government within Nunavut and proposes the establishment of a land-use and resource planning and management regime that recognizes that the use of land and resources in Nunavut is an extremely vital issue. Also in September of 1979 a new executive was appointed by the ITC and a review undertaken by the ITC with respect to its position on land claims and its negotiating structures.

December 1979: The ITC announced new negotiating structures and approaches as part of its review of its position on land claims. Full control of the negotiation was put in the hands of the presidents of the regional Inuit associations.

August 1980: Robert Mitchell of Saskatoon was appointed ITC negotiator on behalf of the federal government. His appointment was significant in that it continued the pattern set by the Conservative government of naming an outside independent negotiator to act on behalf of the federal government.

November 1980: Following its annual general meeting in Coppermine, the Inuit Tapirisat of Canada released what may be seen as one of the most significant documents yet to be produced by a native group. The document entitled Parnagujuk, contains a summary of the Inuit philosophy, a set of basic principles under which agreement is sought, and a preliminary list of implementation proposals.[5]

November 1980: Negotiations, which had been suspended for almost two years, were resumed in Ottawa. The main issues discussed related to the tabling of interim measures by the ITC. These measures concerned certain decisions and activities which the ITC felt should be delayed until a settlement is reached. The proposed interim measures included:

- no changes to existing park reserves;
- no new staking of mineral claims;
- suspension of tanker traffic through Lancaster Sound and an enquiry into the matter;
- no new development within a specified radius of communities;

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5. Inuit Tapirisat of Canada, Parnagujuk, November 1980.

- no development in International Biological Protection Sites (IBPS), National Areas of Canadian Significance (NACS) or in National Sites of Canadian Significance (NSCS) without the approval of the nearest community.

Other topics on the agenda during meetings held in November were wildlife management, criteria for land selection, and land management.

January 1981: A second round of negotiations took place at Eskimo Point. At this meeting the federal government responded to the requests relating to interim measures put forward at the meeting in November. With the exception of a request that there be no changes in park reserves in the NWT, the federal government turned down all interim measures proposed by the ITC. Several new interim measures were tabled by the ITC at this meeting. These included:

- A direct role for Inuit in the proposed new studies on caribou management.
- Establishment of an independent research project to study wildlife, especially caribou.
- Consolidation of funding sources pertaining to all aspects of renewable resource planning into one single fund administered by an Inuit organization.

Discussion also continued on the subject of wildlife management, land selection and land management.

March 1981: A third round of negotiations took place in Ottawa.

Structure and Nature of Current Negotiations

After a hiatus of nearly two years, negotiations between the federal government and the Inuit Tapirisat of Canada resumed in the late fall of 1980. At the date of writing two negotiating sessions have been held, one in Ottawa in November and one in Eskimo Point in January. A third session took place in early March. In examining the broad issues connected with land claims, it is important that the effect of the process be acknowledged. How each party views the process and participates in the process will have a direct effect on progress, or lack of progress, toward a satisfactory settlement. Moreover, limits placed on the discussion by each party directly effect the tenor and content of negotiations and the settlement provisions that will emerge.

In a formal sense, there are two parties involved in negotiating resolution of the ITC claim: the federal government and the Inuit Tapirisat of Canada. Each brings to the table certain assumptions, not only with respect to the substance of the claim, but also with respect to the process of dealing with the claim.

There is a third party, the Government of the Northwest Territores, which is directly affected by claims negotiation and settlements and which although not a formal party to the negotiations, attends negotiating meetings.

The ITC and Parnagujuk

As a party to the negotiations of a settlement in the eastern Arctic, the ITC represents all Inuit in that part of the Territories. Its mandate to do so derives from the membership of the Inuit Tapirisat of Canada as represented at the annual general meeting (AGM). Since the AGM is attended by representatives chosen by each of the Inuit communities in the north, it is representative of the entire Inuit population. Progress of negotiations is reported to the AGM which has the final say in the direction of Inuit proposals. Under this procedure, Inuit land claim negotiators are held accountable to the Inuit population as a whole. ITC spokesmen are also accountable to the board of directors of ITC. Board members are elected in part by the AGM and in part by ballot from every Inuit community. Furthermore, the president of each regional association is an ex-officio member of the board of directors.

Questions have been raised in some quarters regarding the extent to which the ITC accurately represents Inuit in the central and eastern Arctic and regarding the degree of support for the ITC proposals held by the Inuit. It is not possible nor appropriate to answer such questions here. It is clear, however, that the ITC itself is genuinely concerned with questions of legitimacy and does make considerable effort to inform its membership and to receive formal support from its membership for its actions. Moreover, the fact that the federal government is negotiating with the ITC as the representative of the Inuit of the central and eastern Arctic affords that organization a legitimacy that is difficult to challenge.

During the year preceding resumption of negotiations the ITC devoted considerable time and energy to a reassessment of its position vis-à-vis the claim and to a reorganization of its negotiating structures. The results of this process are clearly stated in the document Parnagujuk which was presented to the federal government at the negotiating session in Ottawa in late November. Stressing that the document is not a 'bargaining position', the ITC states that its aim in the current negotiation is that of reaching agreement by consensus on basic principles, rather than by compromises and trade-offs on a series of bargaining points. It is necessary, first, to reach consensus on mutual objectives, and second, to reach consensus on the methods of implementation.

Rejecting a traditional adversarial approach as futile to all parties concerned, the ITC calls on the federal government to enter into discussions which will 'provide a solid and acceptable blueprint for the future of the north' and which will result in a restructuring of the relationship between the Inuit and the federal government.6

It may be suggested that the ITC view of negotiation as reflected in Parnagujuk implies that there is an onus on both parties to come forward with constructive and reasonable ideas and suggestions. In other words the negotiations provide an opportunity to work jointly, not only to settle the claim itself but also to create a context within which the north can develop (in all senses of the word) in the foreseeable future. One can draw from this the view that negotiations should be both flexible and nonadversarial. A 'we - they' mentality should be discouraged in order to bring to the discussions a predisposition for advancing the process. Otherwise, negotiations will be stymied as they have been in the past.

That the ITC is eager to get on with the negotiations may be seen in their renunciation of all proprietary claims to oil and gas resources. This renunciation is based on certain conditions, including revenue sharing and dedication of the resources for Canadian use. Nevertheless, it removes a major roadblock to agreement, since a hard line position claiming all proprietary rights to oil and gas would likely have stalled negotiations on all matters related to the claim at the outset. Moreover, in Parnagujuk and in other position papers on specific topics such as wild life management, the ITC is attempting to promote discussion, and ultimately agreement, with the federal government with respect to various aspects of the claim.

While the ITC, as suggested in Parnagujuk, maintains a flexible posture with respect to eventual settlement of specific issues, there is one matter to which the ITC has remained committed since the claim was first presented. This is that consideration of political issues and political structures are an integral part of the land settlement process. Political questions cannot be separated from land claims. Since the substance of the claim will be discussed below, suffice it to say here that the establishment of Nunavut as a separate territory and the creation within Nunavut of government structures controlled by Inuit have remained a sine qua non of any settlement in the eyes of the ITC.

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6. Parnagujuk, p. 2.

The Federal Government

Since the 1973 policy statement of Jean Chretien, the official position of the federal government has been one of responding to ITC initiatives. The onus has been on the ITC to come forward with proposals that would then be appraised and discussed by the federal government. In other words, the federal government has shifted the burden of responsibilty for developing alternative proposals. This stance has continued to the present negotiations.

Although in a formal sense the Office of Native Claims remains the focus for land claims negotiations within the federal government, it is obvious that other departments will be directly affected by, and hence have an interest in, any settlement. At present the interests of the various departments are expressed on an ad hoc basis through the mechanism of an interdepartmental committee. The views of the membership of this committee are conveyed to the negotiating table either by the Office of Native Claims or by representatives of the various departments who attend negotiating sessions if a topic relevant to their department is on the agenda.

In brief, this type of process has resulted in a fragmented, often contradictory, federal position. There is no forum or mechanism within the federal government for hammering out interdepartmental differences and for presenting a comprehensive, unified approach to the negotiations. While specific departments may prepare papers for discussion on particular topics, these are not being written under the rubric of any comprehensive federal policy.

As mentioned previously, Bob Mitchell was appointed negotiator on behalf of the federal government for the ITC claim. His role is clearly that of a federal representative and not that of a mediator. It would appear that he must report to the minister before agreement can be reached on certain substantive issues.

The federal government has adopted the view that, with several specific exceptions, all matters are negotiable. The most significant non-negotiable item is that of political development. The federal government has adamantly maintained that land claim settlement must be kept separate and apart from questions of political structure and political development. Thus the firm position of the ITC in favour of such discussions has been met by a corresponding refusal on the federal side to consider such matters. One need not spell out the effects that this has had on the negotiations themselves. Other non-negotiable items include the possibility of separation from Canada, matters affecting national defence, and control of the entire coast line of the Arctic.

The Government of the Northwest Territories

The preceding discussions have concerned the Inuit Tapirisat of Canada and the federal government as the major parties to the negotiations. Although it is not a formal party to the negotiations, the Government of the Northwest Territories (GNWT) has a vital interest in any land claim settlement. In the past the participation of the GNWT has been limited, in part because of the opposition of the native associations and in part because of a federal concern that introduction of a third party would complicate negotiations. Federal reluctance to include the GNWT in negotiations may also be traced to the fact that to a large extent the claims deal with existing federal jurisdictions. Moreover, until recently the GNWT has not demonstrated a particularly strong commitment to native interests or to native claim settlements.

Since negotiations began several years ago, the GNWT has occasionally attempted to insert itself into the negotiation process. For the most part it has been unsuccessful in its attempts to take a more active role and as a result has been forced into what can only be termed an observer position. Of late, however, the GNWT appears to be consciously taking an even lower profile in the negotiations. It may be suggested that this has occurred because many of the members of the Legislative Assembly who are either formally or informally allied with one or another of the native groups operating in the Territories prefer that the formal native organization rather than the GNWT be the locus of discussion with the federal government. This stance has resulted in the revamping of the Land Claims Secretariat of the GNWT. It has been renamed 'Aboriginal Rights Secretariat', to indicate the GNWT's acceptance of the notion that aboriginal rights do exist for native peoples. This position, it must be noted, is at odds with the federal position in some important respects. The Office of Native Claims has been negotiating on the basis that aboriginal rights do exist but has said that these rights are too vague to define.

Another possible reason for the GNWT's increasingly low profile vis-à-vis claims negotiations is the current concern of the Legislative Assembly with issues related to constitutional development and local government. While this has served to take away attention from land claims, some of the developments associated with these concerns may significantly alter the context within which a settlement with ITC may be reached and implemented.

Representatives of the GNWT continue to sit with the federal team at the negotiating sessions. It does not appear that they take a particularly active

part in the discussions. They have been instructed to counter any federal position which is inimicable to the basic position of the GNWT on aboriginal rights. Beyond this basic position however, there does not seem to be very much substance to the GNWT's approach. Finally, it must be noted that ITC continues to focus its attention on the formal process of negotiating a settlement with the federal government with the result that it may be overlooking significant initiatives emanating from the GNWT.

The Substance of the ITC Claim

In brief the Inuit Tapirisat of Canada, representing the Inuit of the eastern Arctic, have proposed the establishment of Nunavut, a new territory north of the tree line. The boundaries of the new territory are a matter of some dispute, since the ITC claim area overlaps with that of the Committee for Original Peoples Entitlement in the northwestern Arctic. Negotiations have been underway for sometime between the two organizations in hopes of reaching an accommodation. More recently the Dene have indicated that their claim has been extended to include portions of the central Arctic considered within the purview of the ITC. While the question of boundaries is a significant one, for the purposes of simplicity at this stage in the discussion we have chosen to describe the ITC claim area as that part of the NWT above the tree line.

For the purposes of the following discussion, the main points of reference are the documents Political Development in Nunavut and Parnagujuk. These are the most recent proposals put forward by the ITC and provide the basis of present negotiations. Specific discussion of compensation and other financial arrangements flowing from claims settlement (e.g. royalties) has been omitted in order to focus on structural and political matters.

Consideration of the ITC claim must begin with an understanding of 'Nunavut' both in the conceptual sense of 'our land' and in a structural sense of a new territory. It is essential to appreciate that particular views about land and activity on the land are intrinsic to the notion of Nunavut. The ITC claim, like other claims, is based on traditional use and occupancy of the land by the Inuit of the central and eastern Arctic. The issue that goes to the root of all others is the future of the land and its resources. In traditional Inuit culture, 'land was the basis of life itself. The land provided a home for the wild life and fish that offered sustenance for the Inuit. The connection between the land and Inuit was immediate, ultimate and harmonious.'[7]

7. Political Development in Nunavut, p. 16.

Every aspect of the land claim is grounded in the particular view of the land inherent in the Inuit culture and has led the ITC to the conclusion that it is only through collective ownership that the land will remain the birthright of future generations. Settlement of land claims must ensure rights to the land in order to preserve the native economy and allow the traditional use of land to continue. Thus the Inuit reject the notion of title to discrete blocks of land and instead seek control over large tracts of land which will allow for traditional use and occupancy. Rights with respect to the land must also allow the Inuit to exert a measure of control over alternative uses of the land, particularly those relating to the development of nonrenewable resources. In this way, the rate, nature, and effects of industrial development can be influenced.

Clearly the ownership of land and political control is intimately linked. The two come together in the establishment of Nunavut and of the various structures and arrangements proposed as part of a land claim settlement. Detailed discussion of the formal structures proposed is presented below, in the section on local government. Comment will be offered here on the fundamental approach to the issue of land and management of activities related to the land and on the general issue of political development.[8]

The following description of the ITC claim is necessarily general in nature on many specific issues. This is directly attributable to the absence of detail in the operative ITC documents.[9] While Political Development in Nunavut presents considerable detail with respect to political structures, Parnagujuk does not provide comparable content vis-à-vis other topics and issues. Rather, Parnagujuk discusses broad objectives and principles and presents general approaches to a wide range of matters. This is in keeping with the approach to negotiations being taken by the ITC, as reflected in the production and dissemination of Parnagujuk itself. Presumably more substantive detail will be presented during the course of negotiations, in the form of specific position papers on individual subjects. For example, in November the ITC presented a paper on wildlife management to the federal government that expanded upon the general description found in Parnagujuk.

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8. The focus here is restricted but is not intended to minimize the importance attached to other matters. Parnagujuk discusses a wide range of topics including: ecological areas, municipalities, wildlife, education, energy, area planning, environmental protection, housing, financial policy, health, justice, communications, language, and art.
9. It will be recalled that the original Nunavut proposal, which contained considerable detail, was withdrawn by the ITC. The positions taken in it have to a large degree been superceded by subsequent documents; accordingly, it should not be relied on as a source of information regarding substantive aspects of the ITC claim.

Since these position papers are not in the public domain, and indeed some are as yet in the production stage, it is necessary to rely on Parnagujuk, for an understanding of the claim and, where political and governmental issues are concerned on Political Development in Nunavut. As a result, our description of the ITC claim may appear to be somewhat superficial. It is, nevertheless, indicative of the general approach of the ITC to matters under negotiation.

Land Ownership

Land ownership is fundamental to the ITC claim. The Inuit are firmly committed to the view that ownership of land will help maintain the Inuit land-based culture and identity; help protect the native economy by protecting lands for hunting, fishing and trapping through controlling the extent and nature of development activities; control the nature and extent of community growth; and involve the Inuit in development activities through greater participation with outside interest.

In earlier documents the ITC anticipated selection of some 250,000 square miles of land to which the Inuit would have an estate in fee simple. The major portion of this land would be held by community corporations while the balance would be held by regional corporations. This position has been substantially revised.

The current ITC position proposes two categories of land distinct from land subject to private ownership - Inuit land and Crown land. Inuit land will be owned by institutional and/or corporate structures that are Inuit in nature. These lands will not be withdrawn from the established planning process in place following land claim settlement.

Crown lands should be subject to ownership and control by the Territory of Nunavut, with the exception of lands presently in private hands and lands in which the federal government can demonstrate an interest. The latter would include lands dedicated to such undertakings as parks, international biological preserves, ecologically sensitive areas and so on. It would not include vast tracts of land which may now or in the future be of interest to the private sector, most particularly to firms which are not Canadian owned.

The onus would be on the federal government to justify withdrawal of lands from the process of Inuit land selection. Third party interests would be assessed on a case-by-case basis by the appropriate Nunavut authorities. In cases where

expropriation was considered necessary, the federal government, as creator of the third party interest, would be responsible for providing compensation.

The ITC suggests that this approach is not novel, since it is followed in provincial jurisdictions where land is largely in the hands of private entities rather than government-owned. Crown land in provincial jurisdictions is generally vested with the provincial government. Government by and large takes only what it needs and the remainder is owned by residents. Modification of this pattern will be required in order to accommodate unique northern circumstances and Inuit traditions and proposals concerning the joint ownership of land, but the fundamental principle, according to the ITC, is sound.

It should be noted that in adopting this approach the ITC has rejected the approach taken in both the James Bay Agreement and the COPE Agreement-in-Principle, i.e. the delineation of categories of land with differing levels of native ownership and control over the use of the land.

Control Over Use of Land

The ITC views the vesting of private property rights to land in Nunavut as only one way of protecting Inuit interests vis-à-vis the land. Private property rights must be accompanied by legislative control over the land and its resources. ITC sees the creation of Nunavut as the first step in the transfer of legislative control of the land and its resources to the people of Nunavut. This would be accompanied by the establishment of a strong planning regime which would be able to make critical planning decisions associated with all existing and future land and resource use. Although the details of this planning regime are still a matter of discussion, the ITC at present is proposing a two-tier planning regime. A Nunavut planning office would be established to carry out planning responsibilities with respect to Nunavut as a whole, while a series of local government planning offices would be established in each area of local government to carry out planning responsibilities at the local level. Also created would be a Nunavut planning appeal board which would carry out an appeal function in the planning process.

The planning regime proposed by the ITC, as with planning arrangements in other jurisdictions, is seen as a mechanism for influencing and directing development. All land use activities would require the securing of a land use permit from the proper planning authorities. This, combined with the vesting of something akin to development approval at the local government level, would

allow for a considerable degree of control with respect to both land use and nonrenewable resources.

Wildlife Management

The issue of wildlife or nonrenewable resource management is one of central importance to the Inuit of the central and eastern Arctic. Indeed, discussion of this matter has been a major topic on the agenda at recent negotiating sessions.

Stressing the danger of unrestricted harvesting, Parnagujuk calls for the development of a comprehensive strategy that combines restrictions where and when necessary with the recognition that wildlife harvesting is an important provider of livelihood for the Inuit. Furthermore, since the right to hunt is an inherited right of the Inuit, priority must be given to their needs over those of others.

Parnagujuk points out, however, that these rights do not extend to unrestricted harvesting to the point where stocks are endangered. Wildlife, as a resource to be harvested to provide a livelihood to resident populations, must be carefully and consciously regulated by those with the requisite knowledge and expertise. To this end, the ITC in Parnagujuk proposes the establishment of a regulatory body similar in structure and operation to a marketing agency and with authority to legislate with respect to wildlife management. With the advice of various experts, this agency or board would prescribe safe and practical limits for harvesting.

Representation on this board would include wildlife officials of Nunavut, and of the federal government where required, and elected leaders of the local Hunters and Trappers Associations (HTA). A major objective of this board would be to simplify and rationalize the current maze of rules and regulations applicable to hunters. Moreover, the ITC believes that, by involving the HTA in the workings of this agency, it can be more responsive as a decision-maker and more comprehensible to those whose activities are affected by it. The federal government has rejected this model on the grounds that it represents a departure from Canadian political procedure in that it may constitute the abdication of ministerial responsibility.

Environmental Protection

Understandably the ITC has identified environmental protection as one of the most essential features of any planning process. Again, in keeping with a basic premise that those whose interests are affected should have decision-making responsibility, the ITC identifies the local municipality as the logical place to administer basic enforcement provisions of a Nunavut-wide comprehensive plan, as well as any environmental provisions contained in local plans.

In Parnagujuk, however, the ITC points out that this will not be sufficient, since many development projects will have consequences not foreseen by the plan. Moreover, there exists a need for a Nunavut-wide environmental review process. Rejecting the option of vesting this responsibility in the planning board, the ITC proposes the establishment of a separate agency to review the impact of proposed developments on the environment. This agency would be composed of individuals serving as representatives of both the federal and the territorial governments. Such an agency will allow for the concentration of several decision-making functions of environmental matters in one body. According to the ITC, centralization of decision-making would help rationalize the present environmental protection and review system.

Political Structures

The substantive aspects of the ITC position with respect to political structures and political development are found in Political Development in Nunavut. This document asserts the longstanding commitment of the ITC to the establishment of Nunavut as a separate territory. It also emphasizes the ITC view that establishment of Nunavut and settlement of land claims are simply two different aspects of one process. Agreement on one aspect cannot proceed without agreement on the other.

Major arguments in support of Nunavut are outlined in Political Development in Nunavut. These include the differing conditions and problems between northern and southern communities; the need for orderly use of lands and waters to preserve Inuit livelihood; and the need for more participation by Inuit in political structures in order to gain control over the matters that affect them the most.

A timetable for political development in Nunavut is presented, a timetable that is dependent upon completion of the land claims negotiations. In brief, Nunavut would be created as a separate territory with powers roughly equivalent to those of the present GNWT, and proceed to full provincial status within approximately fifteen years.

Questioning the appropriatiness of existing structure of local government, ITC proposed that the government of Nunavut assess and reform local and regional government structures and responsiblities. It would appear that local government is a matter of some priority with the ITC and that local governments will play an important role in Nunavut.

ITC proposals regarding political structures reflect the view that self-determination for the Inuit is possible only if two conditions are met; government must be accessible to the people; and government must be responsible. The first condition can be met by creating a territorial government (i.e. Nunavut) which is neither remote from nor incomprehensible to the people of the central and eastern Arctic, and by making local and regional structures the focus for much governmental activity. The second condition can be met by creating structures that are accountable to the population, and by vesting in these structures the responsibility for making decisions with regard to matters which affect the population most directly.

It is important to note that since all residents of Nunavut will be free to participate in governmental bodies and structures, these structures will not by definition be ethnic in nature. Because the Inuit make up the majority of the residents in the central and eastern Arctic, the governing bodies will quite expectedly be Inuit-dominated entities. This will serve to formalize the existing situation in communities in the central and eastern Arctic. It is unrealistic and unfair to both the intent and the content of Nunavut, to charge that it proposes a system based on ethnicity, and to reject it on such grounds.

4. CONSTITUTIONAL DEVELOPMENT: DRURY AND THE NINTH ASSEMBLY

There are two major forces prompting governmental change in the Northwest Territories: land claims and initiatives of the Government of the Northwest Territories. The extent to which these two forces can proceed independently is an open question.

To compliment the discussion of the ITC claim contained in the preceding chapter, this chapter describes two major influences on recent political change in the Northwest Territories. These are the work of the Hon. C.M. Drury as the Prime Minister's Special Representative on Constitutional Development in the Northwest Territories, and the shift in the political composition of the Government of the Northwest Territories with the transition in 1979 from the Eighth to the Ninth Assembly. Although sometimes subtle, the impact of these two influences can be described as significant for the Territories as a whole and for local and regional governments in particular.

Drury: The Process and the Report

In August 1977, the Hon. C.M. Drury was appointed the Prime Minister's Special Representative for Constitutional Development in the Northwest Territories. He was instructed to consult with the Territorial government, communities, and native groups; to seek consensus among the various groups consulted; and to recommend measures to:

- modify and improve the existing structures, institutions and systems of government;
- extend representative, responsive and responsible government;
- transfer or delegate federal responsibilities and programs to the government of the NWT;
- promote native participation in government at all levels;
- devolve powers and responsibilities to the local level;
- protect native cultural interests.[10]

Mr. Drury's appointment marked the beginning of the first major study on political development in the Northwest Territories since the work of Dean

10. Constitutional Development in the Northwest Territories, Report of the Special Representative, January 1980, page 1.

A.W.R. Carrothers, who reported in 1966. Mr. Drury's appointment was coincidental with ongoing negotiations between the Government of Canada and the Inuit Tapirisat of Canada, the Committee for Original Peoples Entitlement, the Dene Nation, and Metis Association of the Northwest Territories. His appointment represented formalization of the federal government's position that questions related to political development in the Territories must be separate from land claims negotiations.

Despite his apparently broad terms of reference, there were certain limitations on Mr. Drury's mandate. Specifically, consideration of land claims, except in the most superficial sense, was excluded from Mr. Drury's area of inquiry. Also, while consideration of local and regional structures for the Northwest Territories was to be an important part of his work, Mr. Drury was prohibited from recommending any formal division of the Territories on racial grounds. This limitation clearly discouraged, if not prevented, Mr. Drury from making any recommendations regarding formal partition of the Territories.

Finally, it is worth noting certain features of Mr. Drury's work as it progressed. First, according to his mandate, Mr. Drury consulted on an informal basis with the public and with various interested parties, rather than holding formal public hearings and requiring formal written submissions or public oral comments. Secondly, Mr. Drury relied on a small staff and made extensive use of the good offices of relevant departments of the Government of Canada and of the Government of the Northwest Territories. In addition, he commissioned a select number of special background studies.[11] The special representative undertook his work from the time of his appointment in 1977 until January 1980, when his formal report was published.

Perhaps Mr. Drury's most controversial conclusion was that alternatives to division of the Territories should be thoroughly examined before assuming that new political boundaries would necessarily bring greater political autonomy, or strengthen representative, responsible government. In Mr. Drury's view, the long-term consequences of division have not yet been adequately considered and might in fact result in some other form of dependency. Furthermore, in Mr. Drury's view, public understanding and acceptance of alternative proposals for the political structuring of the NWT have not been adequately tested.

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11. The authors are responsible for one of those background studies, that dealing with local and regional government in the Northwest Territories. The results may be found in the monograph: Graham, Katherine A., McAllister, Anne B., George, Marica E., Local and Regional Government in the Northwest Territories, Institute of Local Government, 1980.

In Mr. Drury's own words:

> The task for the proponents of division is to examine and to test the alternatives before assuming that new political boundaries will necessarily bring about greater political autonomy. The task for the federal government is to explain clearly in the NWT the real federal constraints on transfer and delegation of authority. It must also facilitate discussion and permit a mechanism for northern resolution of these questions before any decision is made federally.[12]

Within the context of this general conclusion, Mr. Drury offered a number of specific comments.

With respect to the Government of the Northwest Territories, Mr. Drury recommended that the Commissioner's position should evolve ultimately to the more formal role of a Lieutenant Governor. He also concluded that the Commissioner should be instructed to divest himself of his remaining departmental responsibilities and transfer them during the life of the Ninth Council to elected members of the executive committee. Further, he concluded that an elected member should chair the executive committee and that the Executive Secretariat should report to that chairman rather than to the Commissioner.[13]

With respect to the powers of the various governments involved in governing the Territories, Mr. Drury recommended that the Government of the Northwest Territories be allowed to assume conventional provincial powers with two important exceptions. Those two exceptions relate to native matters and to the ownership and regulation of land and resources in the NWT.[14]

Of particular interest here is Mr. Drury's conclusion that the federal government should retain its prerogative to legislate in the national interest with respect to the use of land and resources in the NWT. He also concluded that, at least for the time being, the federal government should continue to have access to extraordinary resource revenues in the NWT. Mr. Drury did not see full federal ownership of public lands as a necessary precondition to retention of this important federal control. In fact, he concluded that Crown land and natural resources should be transferred to the NWT, with the ultimate objective being full ownership of those public lands by the NWT, analogous to provincial ownership of public lands.[15]

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12. Constitutional Development in the Northwest Territories, p. 13.
13. Ibid., pages 57 to 60.
14. Ibid., page 90.
15. Ibid., page 94.

Mr. Drury's extensive comments and conclusions about local government and regional structures will be dealt with in chapter 6. However, it is worth noting here that, in keeping with his enunciated fundamental principle that government is most responsive when decisions are taken and responsibilities exercised by those most readily affected by its decisions, he recommended significant devolution of responsibility and authority to the local level of government.[16] He also concluded that communities should be given the option of assigning some of their newly acquired responsibilities to regional structures if they deemed it to be appropriate.

Specifically, Mr. Drury recommended that community councils be given more responsibility for land and resource management, education, social programming, and housing. He concluded that transfer of responsiblities would be facilitated by the formal establishment of community boundaries which distinguished between land within the municipal boundary and land beyond, the latter to be conceived as the community's 'sphere of influence'.

Mr. Drury also made several recommendations designed to strengthen community councils and to increase flexibility concerning council arrangement and procedures. He suggested that senior levels of government adopt the attitude and practice of considering community councils as clients to be served and supported, rather than as agents for the delivery of programs and services. To promote this, he suggested that the Government of the Northwest Territories undertake a program of decentralizing community related territorial functions.[17]

Mr. Drury's consultations were accorded only superficial, perfunctory support in certain quarters. Indeed, native organizations would not deal with Mr. Drury because of their position that political questions should not be separated from land claim negotiations. His final report received little public attention at the time of its release. It would appear that within the federal government informal responses to Drury's work have been critical in nature and as a result there has been little impetus for preparation of a formal response to his findings and recommendations. The work seems to have had its most significant impact on the Government of the Northwest Territories, which has begun to implement certain of Mr. Drury's recommendations concerning devolution, decentralization and community government, albeit without acknowledging his influence. It may be noted with interest, however, that the recent 'Report of the Unity Committee' at least tacitly acknowledged the work of Mr. Drury in

16. Ibid., page 3.
17. Ibid., Chapter 4.

a favourable light.[18] It may well be that many of his conclusions with respect to regional government and to devolution mirrored trends already emerging in the approach of the Government of the Northwest Territories to the development of political structures and to public administration in general.

The Ninth Assembly and Constitutional Development

A major influence on the current political development of the Northwest Territories has been the change in the nature and composition of the Ninth Legislative Assembly of the Northwest Territories from that of the Eighth. The Eighth Assembly, whose term ended in 1979, had fifteen members, three of whom were members of the Executive Committee of the Government of the Northwest Territories. Two of the three elected members of the Executive Committee represented ridings in the western part of the Territories; the third was the member from the Keewatin. The balance of the Executive Committee was made up of three appointed representatives: the Commissioner, the Deputy-Commissioner and the Assistant Commissioner.

The Eighth Assembly, perhaps in response to Mr. Drury's work, passed a resolution confirming the unity of the NWT as it now stands. That same resolution requested responsible government for the NWT within four years and provincehood within ten. The basic premise of the unity resolution passed by the Eighth Assembly was that the status quo should continue, as far as both the geographic composition of the NWT and the composition of the Government of the Northwest Territories was concerned.[19]

The election of the Ninth Assembly in October 1979 significantly changed the political composition of the Government of the Northwest Territories. For the first time the Assembly is fully elected and contains no appointed members. The Ninth Assembly has twenty-two members, fifteen of whom are native northerners. In addition, certain of the non-native members of the Ninth Assembly have demonstrated an increasing awareness of and sensitivity to the concerns of native peoples in the NWT.

The structure of the Executive Committee of the Government of the Northwest Territories also changed when the Ninth Assembly came into office. The

18. See Government of the Northwest Territories, Report of the Special Committee on Unity to the 3rd Session of the 9th Assembly at Frobisher Bay, October 22, 1980, and Recommendations as Amended to the Report of the Special Committee on Unity, p. 4.
19. Position of the Legislative Assembly on Constitutional Development in the Northwest Territories (GNWT, 1979).

position of Assistant Commissioner disappeared, and provision was made for seven elected members to sit on the Executive Committee. At first, members of the Assembly representing constituencies in the central and eastern Arctic refused to serve on the Executive Committee, on the grounds that the Government of the Northwest Territories had no meaning for them or their constituents. During this period the members from the Eastern Arctic constituted themselves as the 'Nunavut caucus' indicating their view that an alternative approach was feasible. Following the debate on the issue of unity in the Territories in the Assembly sesssion of October 1980, there was a change of heart. As a result, the seven elected members on the Executive Committee now, include members from the central and eastern Arctic. In addition, the Commissioner and Deputy Commissioner are federally appointed.

Perhaps the most significant activity of the Ninth Assembly to date has been its efforts at reconsidering previous policies. Of primary importance are the Assembly's debate concerning unity and division in the Territories, its discussions and initiatives on devolution, and the establishment of a Baffin Regional Council Ordinance. Discussion of the Assembly's initiatives with respect to local and regional devolution and with respect to the reform of community government in the Territories will be held in abeyance for inclusion in chapter 6. The focus here is on the Unity Debate of October 1980, the action with respect to the proposed Norman Wells pipeline, and tne initiative in discussing uranium developments in the Northwest Territories.

The Special Committee on Unity was created by the Ninth Assembly in November 1979. Its five-person membership was chosen to reflect the cultural composition of the NWT. The mandate of this committee was 'to try to determine the means by which a political consensus might be generated amongst the people of the Northwest Territories and to make recommendations concerning this matter to the Assembly'.[20]

Although it did not hold formal public meetings or hearings, the Unity Committee met with leaders of Inuit Tapirisat of Canada and its regional associations, with other native groups in the Northwest Territories, with the Minister for Aboriginal Rights and Constitutional Development of the GNWT, and, on an informal basis, with Mr. Drury.

The committee described its most fundamental conclusions as being that:

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20. Report of the Special Committe on Unity to the Third Session of the Ninth Assembly at Frobisher Bay, October 22, 1980, page 2.

> the Northwest Territories as a geopolitical jurisdiction simply does not inspire a natural sense of identity amongst many of its indigenous peoples; its government does not enjoy in the most fundamental sense the uncompromising loyalty and commitment of significant numbers of those who are now subject to it.[21]

Noting that support for division of the Territories was not confined to the ITC as reflected in the Nunavut proposal, the committee further recommended that:

> this assembly declare itself immediately to be receptive to the possibility of a major division of the present Northwest Territories into an eastern and western territory, subject to the express will, by public debate and by referendum, of a majority of the people of the northeastern Arctic showing preference of the establishment of a new northeastern Arctic Territory.[22]

In making this recommendation, the committee made the disclaimer that the creation of a northeastern Arctic territory should not be tied to the particular government proposal contained in the ITC's document.[23]

The Unity Committee anticipated petitioning the federal government to conduct the plebiscite on the question of creating a northeastern Arctic territory. This plebiscite would be preceded by a series of information gathering studies designed to inform all parties of the implications of establishing such a territory. The committee further suggested that, if the federal government refused to act or delayed unduly in undertaking a plebiscite, the Territorial Assembly should make arrangements to conduct its own referendum on division.[24]

Three important characteristics of the Report of the Special Committee on Unity have a bearing on subsequent events. First, as already noted, the Unity Committee specifically indicated that it was not suggesting that creation of an eastern Arctic territory be identical to the political entity envisioned in Political Development in Nunavut. Second, the committee itself did not formally endorse the principle of division. Instead, its recommendation centred on the principle that the public will with respect to division should be tested. Finally, and quite correctly from a legal perspective, the committee recommended that the Government of Canada be petitioned to undertake the necessary plebiscite among residents of communities in the northeastern Arctic.[25]

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21. Ibid., page 2.
22. Ibid., page 9, recommendation 4.
23. Inuit Tapirisat of Canada, Political Development in Nunavut, 1979.
24. Report of the Special Committee on Unity, page 11, recommendation 6.
25. Ibid., page 10.

The Report of the Special Committee on Unity was the subject of considerable debate in the October 1980 session of the Territorial Assembly held in Frobisher Bay. By a significant margin, members of the Assembly adopted what have been termed 'Recommendations as Amended to the Report of the Special Committee on Unity'. The amended recommendations departed significantly from the original recommendations. Of particular importance is the amended recommendation 04 which states:

> that this Assembly declare its commitment in principal to a major division of the present Northwest Territories into an eastern and western Territory, subject to the expressed will, by public debate and by plebiscite, of the people of the Northwest Territories showing preference for the establishment of one or two new Territories.[26]

With this recommendation, the Territorial Assembly approved in principle the idea of division, whereas the Unity Committee had simply supported the notion that the question of division be addressed through plebiscite. A second important feature to note is that the amended recommendation as adopted calls for a plebiscite of all the people of the Northwest Territories, not just those in the northeastern Arctic sector. Finally, the amended recommendations call for the initial plebiscite to be conducted by the Government of the Northwest Territories, not sooner than one year, and not later than two years, from the date of adoption of the amended recommendations.

The implementation of certain other features of the amended recommendations remain in doubt. Specifically, although it was recommended that special studies be conducted, there is no indication of who will be responsible for conducting those studies. Secondly, recommendation number 10, as amended, proposed that a member of the Executive Committee be made minister responsible for the conduct of further investigation, discussion, public consultation and negotiation about matters effecting and accompanying the creation of a new Arctic territory in the central and eastern part of the Northwest Territories. Further, it proposed that the present Minister for Aboriginal Rights and Constitutional Development concentrate his efforts on promoting the aspirations of people who live in the western part of the existing Northwest Territories.

Although two executive members representing the central and eastern Arctic have assumed ministerial responsibilities since the October 1980 session, specific assignment of responsibilities for eastern Arctic matters has not been made. Further, as indicated above, the question of the special studies on the impact of division remains open.

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26. Government of the Northwest Territories Recommendations as Amended to the Report of Special Committee on Unity, October 1980, page 2.

There is evidence of some confusion in the minds of those who participated in and observed the unity debate concerning the intent of discussion on the principle of division. Some observers hold the view that despite the Special Committee's insistence that the proposal for a northeastern Arctic Territory not be tied to the ITC Nunavut concept, the Nunavut proposal was prominent in the minds of some of the members. Other observers hold the view that those voting in favour of division did not have specific political proposals in mind; in fact, the ITC itself has rejected the view that a vote for division was a vote for its proposal. Clearly, the impact of this vote, any subsequent studies of the impact of division, any plebiscite which might be undertaken, and any discussions concerning the Nunavut proposal of the ITC are all matters which must be observed closely.

A second example of the increased sensitivity of the Territorial Assembly to the aspirations of native peoples in the NWT concerns the proposed Norman Wells pipeline. In particular, the Executive Committee of the Government of the Northwest Territories indicated its formal agreement with five points of concern related to the construction of the Normal Wells pipeline put forward by the Dene Nation.

Other indicators of concern on the part of the Territorial Assembly with the impact of industrial development on the people of the north will emerge as the Assembly debates the question of uranium development in the NWT. This debate, which at the time of writing is intended as a general discussion and not as a debate of any specific resolution, began during the Territorial Assembly's session in February 1981. It is to be continued at the May 1981 session. The debate is seen by some observers as an extension of the Baker Lake case. It is felt that certain members of the Assembly from the area around Baker Lake genuinely want to find out more about uranium and the implications of uranium development. Accordingly, the Assembly and other interested parties will be calling witnesses to put forward various points of view on the issue of uranium development.

Several important observations emerge as one examines the activities of the Ninth Territorial Assembly. It is worthwhile to point out that, while the Assembly has made special efforts to undertake activities in a manner which reflects the cultural composition of the Territories (e.g. the structuring of the Special Committee on Unity), the Assembly itself has not tended to align itself along cultural lines. Most particularly, there seems to be no hard and fast division between those members of the Assembly who are native northerners and those who are not. Unlike the Yukon Territory and the provincial govern-

ments, moreover, the Northwest Territories has no party system in place. Therefore, Territorial Assembly discussions appear to be aimed more at achieving consensus than at reaching agreement through compromise between entrenched positions.

In reviewing the actions of the Territorial Assembly, perhaps the most general comment that can be made is that its actions may well reflect the general political climate in the Northwest Territories today. As the Special Committee on Unity noted, native leaders in the NWT and the Territorial Assembly desire change. Also, there appears to be a general public recognition that some form of change is necessary in order to achieve accommodation among the aspirations of native peoples in the NWT, other residents of the Territories, and external interests.

Drury's appointment as Special Representative suggested that the federal government had concluded that the status quo was unsatisfactory and that constitutional change was required in the NWT.[27] This raises the question, in light of recent events occurring within the Territories themselves, of the federal government's present position on constitutional change in the North. As indicated earlier, the federal government has yet to respond to Mr. Drury's report or to any of the initiatives emanating from the Ninth Assembly concerning political development in the NWT. In fact, there is little indication of when the federal government will respond. One thing that is clear, however, is that all parties in the north desire articulation of a federal position on constitutional change, sooner rather than later, so that the issues and alternative approaches to change can be further crystalized.

One area, however, in which the Government of the Northwest Territories can proceed to a considerable degree without federal guidance is in the area of local government development. It is to this question that we now turn.

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27. Constitutional Development in the Northwest Territories, page 2.

5. LOCAL GOVERNMENT IN THE NORTHWEST TERRITORIES: RECENT DEVELOPMENTS AND FUTURE TRENDS

Introduction

The development of local government structures in the Northwest Territories has been dramatic since the 1966 report of the Advisory Commission on the Development of Government in the Northwest Territories.[28] The growth of local structures has extended far beyond the establishment of simple municipal corporations. A variety of community committees, Hunters and Trappers Associations, housing authorities, and regional bodies are evidence of the importance of community structures.

A vigorous and dynamic system of local government is generally seen as an important element of democratic society.

- It offers the broadest possible opportunities for informal participation, e.g. through citizen appearances at council meetings;
- It offers the greatest opportunity for formal participation, through election to office;
- It is nonparliamentary, and provides for direct citizen appeal;
- It is more likely to respond to local needs and concerns than a more remote regional government, and therefore acts as a community advocate.

The advocacy function of local government is also important. This implies that a local government will attempt to respond to changing needs and problems in the community, and that it will adopt a wider perspective on community welfare than that which would be adopted were the local government to merely be assigned the house-keeping role of providing various specific services of a local nature.

It can be argued that local government, as both community advocate and provider of local services, is significantly more important in the north than in southern Canada. Special circumstances related to the distance between communities, limited accessibility of remote communities to outside assistance, immediate demands of climate, and the importance of cultural considerations

28. Canada, Advisory Commission on the Development of Government in the Northwest Territories, A.W.R. Carrothers, chairman, Report to the Minister of Northern Affairs and Natural Resources, Ottawa, 1966.

make local government supremely important. In addition, many of the traditional services which link southern municipalities are absent in the north. Most notably, the absence of a road network in the central and eastern Arctic means that the services provided by local communities are completely localized.

Special features of social and political development in the north, particularly in the central and eastern Arctic, have prompted a somewhat untraditional definition of local government for the purposes of this paper and for the Eastern Arctic Study. First, it should be noted that we define local government as any government or public body at the sub-territorial level. This would include regional and local corporations of various types.

Second, in addition to the traditional municipal corporation subject to the Municipal Ordinance of the Government of the Northwest Territories, where relevant the study will include comments upon the Hunters and Trappers Associations, educational committees, and other community committees. The Eastern Arctic Study will be examining the links between these public structures and other bodies, both at the regional and local level, which may be involved in industrial development, including the Inuit Development Corporation, co-ops, and so on.

It is not just the structure of local government, but also the process of interaction among these structures, that will be an important subject of study.

Local Government as of October 1979

The best 'snapshot' of the system of local government in the Northwest Territories can be taken by studying it as it existed at the time of the election of the Ninth Territorial Assembly in October 1979. Many features of the system remain unchanged today; following initiatives of the Eighth Assembly[29] the Ninth Assembly has, however, undertaken some major initiatives for change which will be discussed below.

The system of local government in the Northwest Territories in 1979 was generally acknowledged to be unduly complex and cumbersome. Such an awareness was evident within the Department of Local Government of the Government of the Northwest Territories as well as in the comments of the Prime Minister's Special Representative.

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29. See particularly Local Government: Directions for the 1980s, Department of Local Government, 1978 (approved by the Eighth Assembly, January 1979).

Communities in the Northwest Territories are organized in a hierarchical system of five levels of municipal government. Communities progress through the system, assuming increased authority and responsibility for local services as they are judged to be more capable of managing their own affairs and as their revenue base increases. All levels, except unorganized communities and settlements, are classified as municipal and are established pursuant to the Municipal Ordinance.

The one city in the NWT, Yellowknife, and the four towns in the Territories, Hay River, Fort Smith, Inuvik, and Pine Point, are all outside the ITC claim area. One town, Frobisher Bay is included within the ITC claim area as are 5 settlements and 18 hamlets.

Settlements are the first level of organized community government in the NWT. They are not incorporated and are not included under the provision of the Municipal Ordinance or the Society Ordinance. Settlement councils are elected by the community at large and are primarily advisory in nature. They are not required to raise their own operating revenue. Community services are financed totally by the GNWT, although these services can be operated and/or contracted by the settlement councils.

Hamlets are the second stage of organized communities in the NWT. They are incorporated municipalities, established pursuant to the Municipal Ordinance. Hamlet councils are invested with more authority than settlement councils, and are empowered to enact bylaws and resolutions, hire their own staff, and enter into contracts for the provision of services. Although incorporated, hamlets are not required to have a property tax base. In this respect, hamlets may be viewed as a unique level of local government. Hamlets have the power to sell permits, licences, and levy some fees and fines. This revenue, however, supplies only a small portion of the operating costs of the municipality. The authority and power of hamlet councils relates primarily to the physical operation of the community. Responsibility for social concerns is retained by the Territorial Assembly.

The town of Frobisher Bay is distinguished from settlements and hamlets by virtue, among other things, of its authority to levy real property taxes.

Augmenting community councils are special purpose committees, band councils and regional councils. Collectively, these four components form the system of local government for the NWT.

There are many special purpose committees in northern communities. Most are advisory, and deal with a wide variety of local services, ranging from housing and social services to the protection and use of land and wildlife. It is not uncommon to find the following committees operating in relatively small communities of the NWT: an education advisory committee, Hunters and Trappers Association (HTA), a social assistance appeals committee, an economic development committee, an advisory health committee, a recreation committee, and a housing committee.

Some of these committees are created under the provisions of specific territorial legislation; others have been established in an informal manner by the various program departments of the GNWT. The federal government is also responsible for the establishment of advisory committees with respect to its programs. Further, private industry has also begun to sponsor community-level committees.

The existence of this multiplicity of special purpose committees has tended to create special interest groups outside the control of the elected council. Consequently, the role of the council (already one of limited authority in hamlets and settlements) is undermined and the decision-making process is rendered complex and fragmented.

At the time of the election of the Ninth Assembly, regional bodies were just beginning to emerge as a dimension of the system of local government in the NWT. The Baffin Regional Council was the first of these new structures. The Central Arctic Area Council and the South Mackenzie Area Council were only recently formed and the Keewatin Regional Council was being discussed but was still very much in the formative stages.

The Baffin Regional Council (BRC) emerged from a series of regional conferences. Its formation was officially announced in 1977 and its constitution adopted in 1978. Each of the fourteen communities in the Baffin region is represented on the BRC by an elected member of the community council. Members of the Legislative Assembly of the NWT whose constituencies are in the Baffin region, the president of the Baffin Regional Inuit Association (BRIA) and a representative of the Inuit Tapirisat of Canada are invited to attend Baffin Regional Council meetings as resource persons and as ex-officio non-voting members.

There are sixteen individual band councils in the NWT, although none are found within the Eastern Arctic Study area. Fifteen are in communities on the

Mackenzie River, and one is located at the Hay River Indian Reserve. The fifteen non-reserve band councils are associated with communities which have municipal councils and community structures in place. As a consequence, there is confusion and conflict with respect to the exact role and mandate of the band councils in these communities. Despite efforts by the band councils themselves, the Government of the Northwest Territories, and the federal government to alleviate this situation, the problem of duplication remains.

With the exception of establishment of hamlets, the system of local government in the Northwest Territories can be characterized as one which is borrowed extensively from southern models. It is worth noting these models have their strong critics even when applied to the southern environment. Their applicability to the north is therefore subject to further question. Even in circumstances where southern models may have some applicability in terms of establishing structures to accomplish certain ends, the unique processes of action and interaction in the north mean that special consideration has to be given to the implementation of those structures.

Local and Regional Government: Recent Initiatives of the GNWT

One of the major premises of the Eastern Arctic Study is that land claim settlement will result in significant changes in local government in the land claim area. Early research suggests that it may not necessarily take claim settlement to bring about major changes. There already appear to be major initiatives underway on the part of the Government of the Northwest Territories which will change the form, responsibilities, and activities of local government in the NWT. It is to these initiatives that we now turn.

There is evidence that the Territorial Assembly of the Government of the Northwest Territories is increasingly aware of the potential for increased flexibility in the structuring of a local government system in the Territories and in the assumption of new authorities and responsibilities by communities. Three initiatives will be discussed: the GNWT's devolution policy, the passage of the Baffin Regional Council Ordinance, and the preparation of a new Community Government Ordinance.

The Devolution Policy of the Government of the Northwest Territories

Perhaps the most far-reaching initiative of the Government of the Northwest Territories concerning local government has been the adoption of a formal

policy of devolution of responsibility for the delivery of government programs and services to the community level. The formal policy statement on this matter was signed by the Commissioner on October 24, 1980.

The devolution directive applied to all departments and agencies of the Government of the Northwest Territories. It directs members of the executive committee to develop plans for the devolution to communities of programs within their assigned portfolio. The Minister of Local Government is also assigned specific responsiblities to ensure that the plans of individual departments are consistent with an overall plan for the development of community government.

The process of devolution embarked upon by the Government of the Northwest Territories envisages two sources of impetus for devolution. First, as indicated above, individual departments are to plan ahead for the devolution of responsibilities to the community level. Secondly, communities themselves are to consider what additional responsibilities they desire, and to begin the process of negotiation with the Minister of Local Government and with any specific departments which have had responsibility for the areas in question. Specific GNWT support for community initiatives in assuming additional responsibility is to be undertaken at the regional level.

Since it has only been a short time since the policy of devolution was formally adopted, there are still several aspects of the policy's implementation which remain unclear. Perhaps at the most basic level, it is possible to foresee a situation in which there is an inadequate appreciation of the intent of the policy or of the meaning of devolution within the individual departments of the Government of the Northwest Territories. As recently as two years ago, a series of interviews with officials of various line departments in the Government of the Northwest Territories revealed that, for many of those officials, the term devolution was synonymous with decentralization, or the movement of departmental offices closer to communities. While it is entirely possible that there has been a greater appreciation of the distinction between the decentralization of GNWT offices and the handing of authority and responsibility to communities in the ensuing period, questions remain about the willingness of individual departments to surrender such responsible authority.

A second aspect of the devolution policy meriting observation is the process whereby communities undertake to negotiate with the Minister of Local Government and with specific departmental ministers to receive the responsibilities and authority they desire. The process of negotiation has been left vague. This may well be a positive move since it does not tie communities to any

specific set of regulations or prerequisites before additional responsibilities can be assumed. Alternatively, however, the absence of guidelines for such negotiations between communities and the Minister may retard the process of devolution as both sides to try to ensure that their own needs are met.

One other important matter concerning the devolution policy which remains vague is the question of finance. As indicated earlier, the majority of communities in the NWT, particularly in the central and eastern Arctic, do not have an independent revenue base of any major size. Questions related to the financial arrangements accompanying the passing of responsibility and authority to communities remains unspecified. There is reference in the devolution policy to the turning over of resources to the community for the delivery of programs; however, questions of accountability, both financial and other, for new program responsibilities remain open.

While implementation of this devolution policy requires close observation to determine whether or not meaningful devolution of authority and responsibility to communities will occur, the adoption of the policy can generally be viewed as a very positive step. It may well be that the Government of the Northwest Territories may go even further in formalizing its desire to devolve responsibilities and authority by adopting a policy of support for the devolution of responsibility for the delivery of government services to regional government bodies.

The Baffin Regional Council Ordinance

Passage of an ordinance to incorporate the Baffin Regional Council (Bill 3-80 [2]) may be seen as an indication that the Ninth Territorial Assembly is serious about the devolution of responsibility and authority to subterritorial bodies and about encouraging regional governmental institutions where they emerge.

As indicated earlier, the Baffin Regional Council was founded in 1977. At its initial meeting, the BRC discussed a wide range of matters of general and specific interest to its member communities. It quickly assumed an advocacy role, representing the interests and concerns of member communities to the NWT assembly and to the GNWT regional office in the Baffin. Early in its existence the BRC envisioned more than an advocacy role for itself. In the period 1978-79, it negotiated a five year regional planning budget for capital expenditures with the GNWT. Further, in 1978 the BRC adopted a formal constitution which

indicated that it saw itself as the recipient of territorial functions thus assuming responsibility for delivery of some services on a regional basis. Specifically, the BRC expressed interest in assuming responsibility for education in the Baffin.

The establishment of the Baffin Regional Council was not greeted with universal enthusiasm by the Government of the Northwest Territories. During the life of the Eighth Assembly, the GNWT committed itself publicly to the decentralization of responsibilities to its regional offices, and, to some devolution to the local level of goverment. However, during that period the GNWT was silent on the matter of devolving responsibilities to regional bodies. It can be speculated that, at the time, the GNWT was concerned that the emergence of regional structures such as the BRC represented the first step in an attempt to establish formal structures which might be capable of assuming responsibility for government in a formally partitioned NWT.

The bill to incorporate the Baffin Regional Council was presented to the third session of the Ninth Assembly in Frobisher Bay in October, 1980. Certain features of the debate concerning the bill provide important evidence of the inclination of the Ninth Assembly toward devolution of responsibility. Specifically, the bill, as presented at the request of the BRC, did not empower the Baffin Regional Council to undertake any specific activities other than to acquire real and personal property and to undertake research. During the debate in committee of the whole, members of the Territorial Assembly questioned representatives of the Baffin Regional Council as to why the BRC did not request more specific powers when it was evident that the Minister of Local Government, among others, supported a stronger BRC. Representatives of the Baffin Regional Council reported that they were concerned about assuming too much responsibility too soon, thus causing concern in local communities and perhaps weakening the ability of the council to perform its mandate in a satisfactory manner. Specifically, there was concern that if the council was assigned responsibility in such matters as education, renewable resources, and other important matters at this time, the council might have more responsibility than it could practically handle.

The final resolution of the conflict between the desire of the Territorial Council to assign the Baffin Regional Council more responsibility and the reluctance of the BRC to assume more responsibility than it had requested was accomplished in a motion by the member for Frobisher Bay. The motion amended the clause in the bill dealing with the powers of the regional council to include a clause enabling the BRC to take over government programs and enter

into contracts to deliver government programs. This clause was intended to permit the BRC to achieve any goals it might have in the field of education, wildlife management and other areas of regional interest. With this major amendment and certain other amendments, the ordinance to incorporate the Baffin Regional Council was passed by the Ninth Assembly.30

The Community Government Ordinance

The third major initiative of the GNWT with respect to local government may be found in the government's attempt to modify the current rather rigid hierarchy of local government structures in the Territories and to make procedures of local government operation more flexible. These initiatives are documented in the draft Community Government Ordinance which is currently under discussion.

The proposed Community Government Ordinance has been under discussion for more than two years. Draft copies of the ordinance are now available and are being circulated throughout the NWT through a process of formal community consultation undertaken by the Department of Local Government. Briefly, the proposed ordinance has two parts, one dealing with incorporated communities and one dealing with hamlets. It is of interest to note that much of the substance of the proposed Community Government Ordinance incorporates recommendations made in a proposed Hamlet Ordinance put forward by the BRC in 1978.

That part of the proposed ordinance dealing with incorporated communities sets up a new form of local government structure in the NWT, the incorporated community. The intent of this part is to enable settlements who may not desire hamlet status but who wish to formalize the activities of their elected councils and undertake certain specific responsibilities to do so.

Both parts of the ordinance are designed to give more flexibility to communities regarding such matters as voting age, residency requirements, the size of council, and other procedural matters. In areas where both band councils and community councils exist, the ordinance provides that they may, if they choose, join together to form one entity. Equally important is the fact that the

30. Information on the view of the Minister of Local Government concerning the Baffin Regional Ordinance and on the views of representatives of the BRC and members of the Territorial Assembly was gleaned from a review of Legislative Assembly of the Northwest Territories Debates, Third Session, Ninth Assembly, October 28, 1980, pages 652-659 and November 6, 1980 pages 1068-1973.

proposed ordinance gives more flexibility to communities which desire more control over areas that have been GNWT responsibilities, such as social services, housing, health, economic development, renewable resource management, and education.

It should be acknowledged, however, that the expressed intent in the draft ordinance of giving more flexibility to communities concerning their incorporated status, procedures, and local powers is tempered by certain restrictions. First, there are basic guidelines set out for election and for council procedures. Secondly, with respect to the incorporated community part of the ordinance, all powers designated to a community which are of a traditionally municipal nature are designated by the Minister of Local Government upon request by communities. In the case of both incorporated communities and hamlets, the community must negotiate with the appropriate minister for each area of responsibility it wishes to receive beyond those for which it clearly has responsibility. This requirement for negotiation is presumably included to ensure consistency with the devolution policy of the GNWT described earlier.

From the above, one can observe a general trend concerning local government initiatives by the Government of the Northwest Territories, initiatives which began with the Eighth Assembly and which were carried forward by the Ninth Assembly. This trend may be described as increasing the importance of the local level of government and enhancing the flexibility of local and regional councils to assume responsibility and authority and to operate in a manner which is consistent with local wishes. Admittedly, the three major initiatives discussed here are recent. It is difficult to assess their actual impact, even where formal policies or legislation have been passed, since they are still in the early stages of implementation. Basic questions remain about how well these new policies and initiatives are understood within the Government of the Northwest Territories and in the communities.

Local and Regional Government Proposals of the ITC

Two major documents provide public indication of the ITC's thinking about the structure and processes of local government.31

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31. Political Development in Nunavut and Parnagujuk.

Although Nunavut as proposed by the ITC is not viewed as a local government under the definition adopted for use in the Eastern Arctic Study, the ITC position on local government development cannot be considered without mention of Nunavut. Fundamentally, the Nunavut proposal calls for the establishment of a separate territory in the ITC land claim area. The government of Nunavut will be vested initially with powers roughly equivalent to those exercised by the existing Government of the Northwest Territories. The proposal also anticipates the initial transfer of additional powers with respect to land use planning and land use controls.

Within the context of Nunavut, the ITC is proposing the following process for reviewing the structure and responsibilities of local and regional government entities within the new territory.

i The present structure is to continue in operation for the first three years following the establishment of the Territory of Nunavut.

ii The Nunavut Assembly will establish a special committee to look into the future of local government including:
- its functions and form;
- criteria for the establishment of local government boundaries;
- administrative problems relating to carrying out local land and resource planning functions as contemplated in a revised land use regime;
- local government finance;
- the role and purpose of advisory committees;
- the role of regional governments in Nunavut;
- election procedures.[32]

In Parnagujuk the ITC affirms its commitment to local government and to the extension of municipal boundaries to coincide with the economic activities of community inhabitants.[33] In addition, Parnagujuk asserts the desirability of assigning responsibility for land use planning within community boundaries to the local level of government (with the possibility of an appeal to the Nunavut government). Beyond this, Parnagujuk does not deal in any more specific sense with the structure and responsibilities of local government.

These comments aside, the ITC proposes the creation or continuation of a number of public, governmental, and Inuit entities which will have a bearing on the interaction of communities with other levels of government and with those interested in industrial development.

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32. Political Development in Nunavut, page 15.
33. Parnagujuk, pages 39 and 40.

The following government entities have been proposed within Nunavut:
- a Nunavut territorial government (ultimately to achieve provincial status);
- municipal councils;
- regional councils within Nunavut;
- Nunavut school boards;
- Nunavut power commission.

These entities would presumably have an Inuit majority and would undertake important responsibilities within the areas of responsibility accorded the government of Nunavut.

In addition to government entities established within the Nunavut territory, creation of a number of joint Inuit/Nunavut/Government of Canada bodies is anticipated, for the purpose of carrying out various responsibilities affecting local communities. These include joint membership bodies with responsibility for:
- joint management schemes with respect to ecological planning;
- a regulatory board for the management of wildlife stock;
- a joint planning body;
- an environmental protection body.

Although not strictly governmental, a number of other Inuit entities have been identified as existing in Nunavut. These include both existing and proposed entities:
- Inuit Tapirisat of Canada;
- Baffin Regional Inuit Association;
- Keewatin Inuit Association;
- Kitikmeot Inuit Association;
- Inuit Community Corporations;
- Hunters and Trappers Association;
- Inuit Institute of Education;
- Inuit Housing Corporation;
- Inukshuk Broadcasting Service;
- Inuit Archeological Foundation.

The major question which emerges when confronted with this range of government and Inuit bodies is how they will interact, particularly with respect to industrial development proposals.

One area in which the ITC has done some thinking is with respect to area planning. The ITC are proposing a centralized body (in Nunavut) to undertake comprehensive planning for the management of land and offshore areas. Although

details on this comprehensive planning body are sketchy, it appears that the ITC are suggesting it function as an appointed body of both the federal and Nunavut governments. It is necessary that the body be representative of the Nunavut population and that its members act as both federal and territorial appointees.

It is suggested that the federal territorial agency will provide a forum for municipal concerns (seen as a Nunavut responsibility) and their reconciliation with concerns of offshore management (which are seen as being matters of federal responsiblity).[34]

Within Nunavut, the ITC foresees a strong municipal role in planning for land use within municipal boundaries. Municipalities will have the option of calling upon the Nunavut government for technical assistance through a Nunavut planning office. However, the municipal level should have basic decision-making power through control of land use and the power to negotiate development agreements with prospective developers, in order to ensure that development provides adequate benefits to the area. Presumably, municipal planning activities would be carried out under the umbrella of the central planning authority in Nunavut and also be subject to appeal. The basics of this system are sketched out in figure 1.

34. The ITC makes a distinction here between responsibilities related to moving ice and shorefast ice. The federal government would retain responsibility for the former while local authorities would be responsible for the latter.

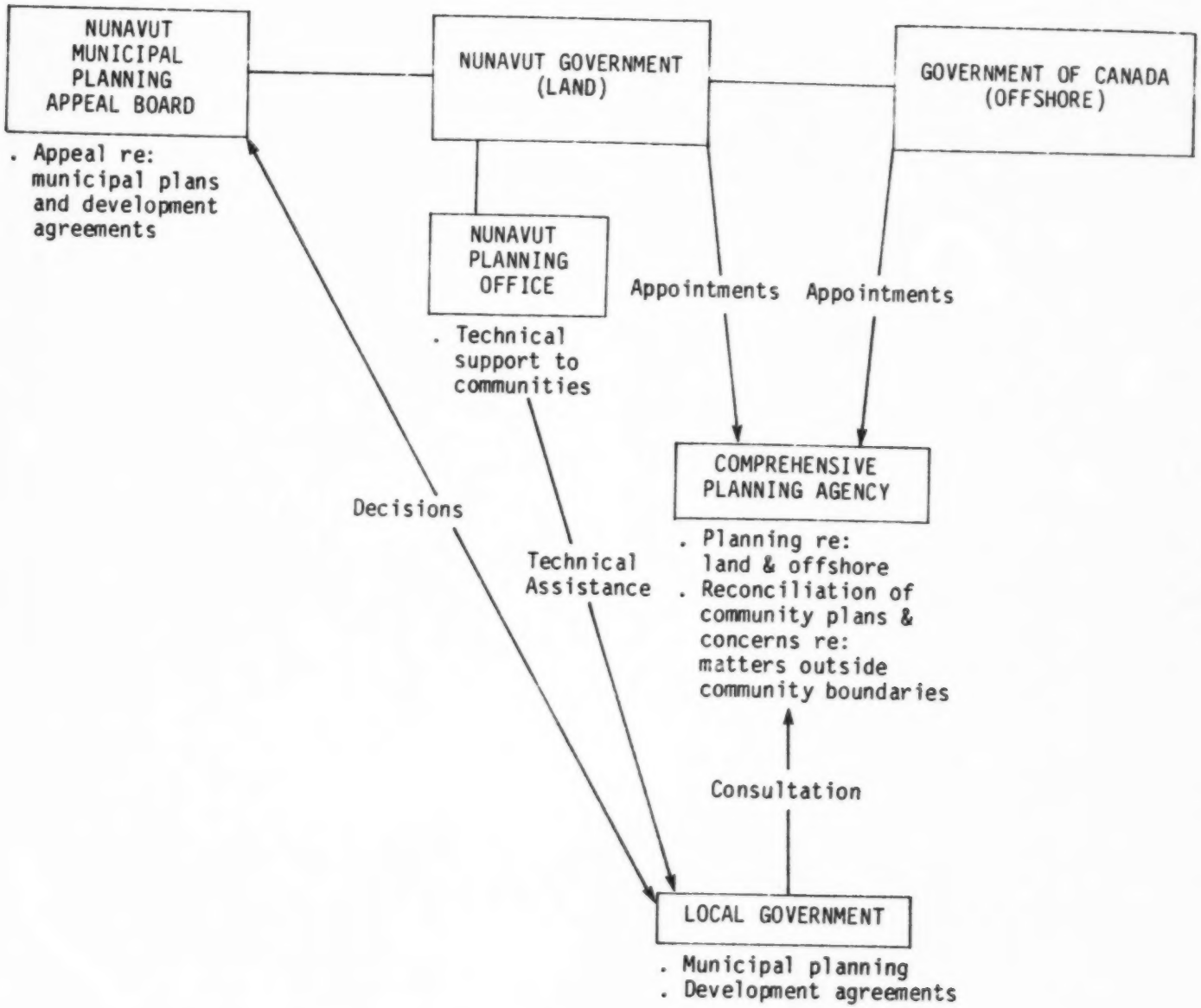

Figure 1. ITC proposal re comprehensive planning

6. CONCLUDING REMARKS

Some basic questions arise from this descriptive review of recent developments concerning the ITC claim negotiations and the GNWT's constitutional development initiatives. These questions have implications for the course of development in the NWT in general and, ultimately for the communiites with which the Eastern Arctic Study is concerned.

The future direction of the Eastern Arctic Study will be to examine the governmental proposals made by ITC and the federal government as they negotiate, the Government of the Northwest Territories and by other affected parties. Any such proposals will be among the alternative settlement options assessed in terms of their impact on local government and on industrial development in the claim area.

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EASTERN ARCTIC STUDY

The Centre for Resource Studies and the Institute of Local Government, both of Queen's University in Kingston, Ontario, are undertaking a study of the ways in which the land claim of the Inuit Tapirisat of Canada (ITC) may affect local government and mineral development in the Northwest Territories (NWT). Financial support for the study is being provided by an independent agency, the Donner Canadian Foundation. Advisory support is being provided by the ITC, the the federal government, the Government of the Northwest Territories, and many other agencies, companies and interested groups.

The objectives of the Eastern Arctic Study include the following:

1. to study the potential impact of the settlement of ITC land claims, and of constitutional development in the NWT, on local government in the ITC area;

2. to study the potential impact of these changes on mineral development (including both petroleum and mining) in the ITC claim area.

3. to present the results of this research in a manner which will permit its use by northerners and other interested parties to anticipate possible difficulties and mitigate their effects.

Local government is extremely important to the residents of the Northwest Territories, because local councils and committees provide services that are basic to everyday needs. In addition, a community's local government can often act as the interpreter and advocate of peoples' interests and needs.

We expect the land claim negotiations to result in two related outcomes.

i Local governments will be given increased responsibilities in the land claim area. Some changes are already in progress, chiefly through the initiative of the communities themselves and of the Government of the Northwest Territories. ITC also supports stong local government. The phrase 'local government' refers to any governing authority established below the territorial level. It could include, for example, regional governments as well as hamlet or settlement councils and their committees.

ii There will be a significant increase in the degree of influence exerted by local governments, and by native institutions such as development corporations and cooperatives, on resource planning and the mineral development process.

Thus we expect the settlement of claims to affect significantly the climate for mineral development in the NWT. Native people will have strengthened local governments and an expanded role in planning the nature and direction of resource development.

The possibilities for mineral development in the ITC claim area are substantial, and the future of resource development in this region has implications for the welfare of all northerners, and for all Canada. It is therefore important that all parties to the negotiating process understand the possible consequences of their decisions and actions. The purpose of this study is to contribute to that understanding.

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